

REMARKS

In the Office Action, dated April 16, 2003, the Examiner states that Claims 1-6 are pending and Claims 1-6 are rejected. By the present Amendment, Applicant amends the claims.

In the Office Action, the drawings are objected to and the claims rejected under 35 U.S.C. §112 because there was no previous disclosure of the fabric being between the foils. Applicant's previous amendment of the claims mistakenly indicates that the fabric is between the foils. This has been corrected in the present amendment to state that the fabric extends over the whole of the extent of the foils, and not between the foils.

In the Office Action, Claims 1-6 are rejected under 35 U.S.C. §103(a) as unpatentable over Hutcheson (US 5,067,255) in view of Ogden (US 5,714,229).

Ogden teaches a fiber layer 22 on which an apertured top layer 20 and a liquid barrier layer 62 are bonded to external surfaces of the fiber layer. It is understood that there is no impregnation of the apertured top layer and liquid barrier layer below the surface of the fiber layer.

Claim 1 previously used language that the fabric is at least partially enclosed in the fabric. The Applicant used this language to mean that there is impregnation of the fabric below the surface of the foil. However, in an interview between Applicant's attorney and Examiner Arnold, Examiner Arnold indicated that the partially enclosing language could be broadly interpreted to include the surface bonding in Ogden wherein the bonding possibly occurs as partial enclosing at the molecular level between the two bonded surfaces. The Applicant has thus amended the claims to clarify that the fabric is impregnated within the foil such that the fabric penetrates below an exterior surface of the foil. No cited reference disclosures this limitation. Thus, Applicant considers the rejection overcome.

In light of the foregoing response, all the outstanding objections and rejections have been overcome. Applicant respectfully submits that this application should now be in better condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

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Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

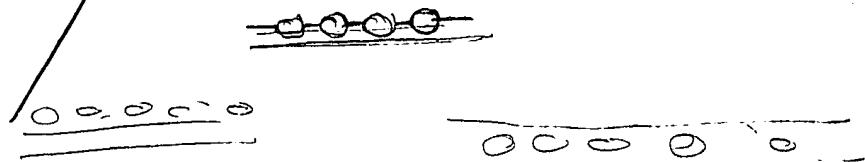
APPLICANT: Soren Vindriis )  
SERIAL NO: 09/830,242 ) Group Art Unit: 3728  
FILED: April 24, 2001 )  
TITLE: An Insole with Fabric

THE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

AMENDED CLAIMS

1. (currently amended) An insole for footwear comprising:  
a plastic top foil and a plastic bottom foil; and  
one or more cavities, which are formed between the top foil and the  
bottom foil and filled with a liquid or a gel;  
wherein the top foil and the bottom foil are impermeable with respect to  
the liquid or gel and are joined together at least along an edge region;  
~~wherein the top foil as well as the bottom foil are at least one of said foils~~  
~~is equipped with a fabric extending between the foils and between the edge~~  
~~region, where the top foil is joined with the bottom foil the whole of the extent of~~  
~~said at least one of said foils;~~  
wherein the fabric extends parallel with the foil ~~said at least one of said~~  
~~foils; and~~  
wherein the fabric is joined with the foil ~~said at least one of said foils~~ by at  
least partially enclosing ~~impregnating~~ the fabric in the foil ~~said at least one of said~~  
~~foils such that the fabric penetrates below an exterior surface of said at least one~~  
~~of said foils to reinforce the mechanical strength of the foil.~~

2. An insole according to claim 1, wherein ~~the bottom foil is equipped and~~  
~~impregnated with fabric and the frictional coefficient between the bottom foil~~



equipped and impregnated with fabric and a substantially smooth surface in a bottom of the footwear is larger than the frictional coefficient between the bottom foil without the fabric and the substantially smooth surface in the bottom of the footwear.

3. (currently amended) An insole according to claim 1, wherein the top foil is equipped and impregnated with fabric and the frictional coefficient between the top foil equipped and impregnated with fabric and a textile such as cotton, polyester or nylon is lower than the frictional coefficient between the top foil without the fabric and the textile.

4. (currently amended) An insole according to claim 1, wherein the fabric is made of fibers and is woven such that the fabric in every direction in the plane of the fabric has a tensile strength that is higher than the tensile strength for one of the foils in any direction planar with said one of the foils.

5. (currently amended) An insole according to claim 1, wherein the fabric which is joined with the top foil and is impregnated with a fungicide.

6. (currently amended) A method for production of an insole for footwear comprising:

providing a plastic top foil and a plastic bottom foil, the top foil and the bottom foil being impermeable to liquid;

joining the top foil and the bottom foil together at least along edge regions;

forming one or more cavities between the top foil and the bottom foil;

filling the cavities with a liquid or a gel; and

equipping the top foil as well as the bottom foil at least one of said foils with a fabric to reinforce the mechanical strength of the foil said at least one of said foils, the fabric extending between the whole of the extent of said at least one of said foils and between these edge regions where the top foil is joined with the bottom foil by:

initially heating up of the foil said at least one of said foils;

pressing the fabric partly or totally into the foil said at least one of said foils whereby that part of the fabric which is pressed into the foil is partly or totally

~~enclosed in the foil impregnated in said at least one of said foils such that the fabric penetrates below an exterior surface of said at least one of said foils; and cooling down the foil.~~